

CERTITECHTM

CORPORATION

February 27, 1995

Mr. Bill Caton, Secretary
Federal Communications Commission
1919 "M" Street N.W.
Washington D.C. 20554

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Re: Comments on NPRM (FCC 95-46) Report No. DC 95-28, ET Docket 95-19

With respect, serious flaws exist in the above mentioned proposal to require NVLAP **"accreditation" of EMI test laboratories**: "... that laboratories performing measurements on these devices obtain accreditation by the National Institute of Standards and Technology under its National Voluntary Laboratory Accreditation Program." Later in this letter I suggest an alternative accreditation proposal to the NVLAP scheme. Your consideration of the following comments is appreciated:

1. The FCC should continue to be the regulatory and oversight body in the United States, including the upgrading of a lab recognition/accreditation program (as I later outline.) The FCC should **not abdicate or delegate** its responsibilities to any organization, especially NVLAP. No entity is needed between the FCC, labs and manufacturers.
2. The NVLAP "accreditation" scheme is a duplication of existing FCC expertise and capabilities.
3. The NVLAP scheme will not lower EMC testing costs, as is being said by some proponents. It adds unnecessary bureaucracy and costs, which are a deterrent to domestic and international trade. NVLAP costs to labs/manufacturers are exorbitant, as testified to by numerous former or present NVLAP labs.
4. The NVLAP "accreditation" program for EMI laboratories has a record of failure and lack of participation for the past several years. NVLAP has no experience.
5. NIST has said that "... the (NVLAP) program would have no domestic value, ..." (Stanley Warsaw, NVCASE/NIST, Brussels, 1994) Mandating this failed "voluntary" program is a mistake.
6. The Europeans are not requiring NVLAP. Europe does not recognize "accreditors". "Europe only needs to be satisfied that U.S. labs are competent." The FCC can accredit for **BOTH** the U.S. and world recognition.
7. The NVLAP scheme will reduce competition among U.S. laboratories by dramatically increasing costs and complexity, driving some out of business. (The NVLAP scheme is promoted by a few domestic and foreign "special interests" who are aware that this decreased competition will be the result.)
8. The NVLAP scheme increases complexity, bureaucracy, and raises the significant possibility of both technical and administrative conflicts between NVLAP and the FCC.
9. NVLAP is supported by a very few of the almost 150 FCC registered testing laboratories in the U.S., as the limited NVLAP "membership" roster shows. While the American Council of Independent Laboratories (ACIL) may support the program, its membership includes only a small handful of the 150 FCC registered labs in the U.S..

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I could go on. But just these facts weigh heavily against a NVLAP program. A strengthened program of EMI test laboratory regulation and oversight **by the FCC** is necessary and beneficial. While an FCC rule change may be necessary, as well as expansion of the FCC's current laboratory recognition program, it is a small price to pay for disallowing the added bureaucracy, complexity and costs of NVLAP. Following is an outline of an alternative to the NVLAP scheme, which accomplishes the same objectives without the unnecessary complexities and costs of NVLAP:

- (1) Increase the frequency of ANSI C63.4 EMI test site registration with the FCC to perhaps one or two years, rather than the present three years. Adopt the same program for manufacturer lab sites;
- (2) Increase information in this site registration requirement to include statements of adherence to procedures, documentation, etc. The guidelines already exist. Elements should include: (a) The CBEMA test report format, which the FCC and the industry have embraced; (b) Utilize IEC/ISO Guide 25 regarding "Technical Competence of Testing Laboratories"; (c) And ISO/IEC 38 for "Acceptance of Testing Laboratories." (The lab would legally and professionally obligate itself to these Standards by signing Test Reports for clients, and periodic Certification of Compliance to the FCC. Failure to adhere to procedures, etc. would result in FCC restrictions on the lab and/or fines, similar to what the FCC Enforcement Division does with manufacturers. This enforcement capability is already set up by the FCC. In addition, falsification of self-certification statements could potentially result in judicial action and fines.);
- (3) Reestablish the FCC's program to periodically inspect labs, either by the FCC or by subcontractors, if necessary. The FCC has the experience and expertise. The same for the proposed EMI antenna calibration program.. NOT inexperienced, expensive NVLAP;
- (4) The FCC is also the logical entity to become involved in the development, regulation and oversight of EMI Immunity/Susceptibility compliance, which will become a factor in U.S. compliance;
- (5) **Lab/manufacturer fees to the FCC would fund this program.** Fees for annual test site registration, grantee codes, an initial FCC i.d. fee, plus perhaps an annual fee to maintain the FCC i.d. by product line or product , FCC staff (or subcontractor) inspection and travel costs, etc.;

PLUS

- (6) Strengthen FCC enforcement (and fines) for noncompliance, **BOTH** labs and manufacturers. The FCC's current enforcement program against manufacturers is woefully inadequate, as the vast majority of "compliant" manufacturers will agree. This lack of enforcement robs sales revenue from legitimate, compliant U.S. manufacturers, distributors and dealers;
- (7) The transition period for any accreditation program, particularly one this extensive, should provide for at least four years to comply;
- (8) This proposal does not affect the other aspects of the proposals in ET Docket 95-19.

Thank you for your consideration. CERTITECH has been an FCC registered test laboratory since 1983. Your comments are welcome.

Sincerely,
CERTITECH Corporation

David C. Blocksom
President

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